

Serial No.: 09/884,122

AAH

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:

David Zhuang



Docket No.: P11278

Serial No.: 09/884,122

Group Art Unit: 2142

Filed: June 20, 2001

Examiner: Benjamin A. Ailes

For: **WEB-ENABLED TWO-WAY REMOTE
MESSAGING FACILITY**

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. §41.37 (a)

Sir:

Appellants have filed a timely Notice of Appeal from the Final Office Action, on February 21, 2006. A single copy of this brief is provided pursuant to 35 U.S.C. § 41.37(a).

A check for \$500 to cover the fee for filing this appeal brief is attached hereto. If additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore (including any additional fees for filing of the Appeal Brief) are hereby authorized to be charged, or overpayment credited, to Intel Deposit Account 50 0221.

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REAL PARTY IN INTEREST

The real party in interest in this appeal is Intel Corporation, assignee of the entire interest in the above-identified application.

RELATED APPEALS AND INTERFERENCES

The Appellants, their legal representatives and the Assignee are not currently aware of any appeal that may directly affect or be indirectly affected by or have some bearing on the Board's decision in this appeal. Attached hereto is a Related Proceedings Appendix showing no related appeals or interferences.

STATUS OF THE CLAIMS

Claims 4-9, 12-21, 24-32, and 39-44 have been twice rejected.

Claims 1-3, 10-11, 22-23, 33-38, and 45-60 were cancelled.

Claims 4-9, 12-21, 24-32, and 39-44 are the subject of this appeal.

No claims have been withdrawn or allowed. The claims in issue are attached in the "Claims Appendix" attached herewith.

STATUS OF AMENDMENTS

All prior amendments to the application have been entered.

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SUMMARY OF CLAIMED SUBJECT MATTER

Briefly, HTTP is a data transport protocol developed based on a simple client/server interaction model or a request response model. In HTTP, a client always initiates requests and responses are generated with respect to the requests by the server and then returned to the client. Some web applications leverage HTTP as an underlying transport protocol. A known problem associated with this model is that it is difficult for a server entity to notify its clients of any event (e.g., status changes) that occurred on the server. For example, it is difficult for a server to initiate a message to its web clients using HTTP. This drawback has inherently limited the capability of the web applications that employ the model. It becomes particularly problematic in applications in which the ability to receive real-time notification from a server may be crucial.

The present invention is generally related to a web-enabled 2-way remote messaging mechanism that allows a client to receive instant notification from an event producer based on subscription, to access data generated by the event producer, and to post messages to the event producer.

[Note: All paragraphs in brackets [0000] and line numbers referenced in the claims are with respect to the published document 20020198943]

Independent Claim 4

The invention recited by claim 4 is directed to: A remote messaging facility client, comprising: (Fig. 1; 110 [0022], line 3)

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(Figs. 2-3 [0030]) a session agent 212 for managing a remote messaging session established between a web client and an event producer 220 and for maintaining a persistent listening connection that listens to an event subscribed by the web client 117 with a remote messaging facility server;

a messaging agent 215 for communicating with the remote messaging facility server 155 on behalf of the web client during the remote messaging session, sending a request from the web client 117 to the remote messaging facility server and receiving a response from the remote messaging facility server 160;

a message parser 217 for parsing a response received by the messaging agent from the remote messaging facility server; and

an event manager 220 [0031] for managing event subscription and dispatching of an event that is subscribed by the web client, received as a response from the remote messaging facility server, and parsed by the message parser.

Independent Claim 6

The invention recited by claim 6 is directed to: A remote messaging facility server, comprising: (Fig. 4 [0059])

a session manager 230 for managing a remote messaging session established with a web client 117 via a remote messaging facility client 120 and for maintaining a persistent listening connection ([0061]) that listens to an event subscribed by the web client, said web client issuing requests and receiving responses during the remote messaging session via the remote messaging facility client;

a channel manager 235 for managing zero or more channels 420 [0083] designed for subscriptions of events, said managing associating each subscription with a channel to store the occurrences of the subscribed event and dispatching each stored event to the remote messaging facility client that represents the web client that subscribes the stored event; and

a message board 260 comprising a plurality of slots for storing data [0060], said data being manipulated by at least one event producer, manipulations of the data in said message board triggering different events.

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Independent Claim 12

The invention recited by claim 12 is directed to: A method for web-enabled 2-way remote messaging, comprising: **(Flow Diagram, Fig. 10 [0088-0089])**

establishing **1020** a remote messaging session between a web client and an event provider via a remote messaging facility client, connecting to the web client, and a remote messaging facility server, connecting to an event producer, the web client issuing requests and receiving responses during the remote messaging session;

subscribing **1030**, by the web client via the remote messaging facility client, an event that is related to an action performed by the event producer on a slot of a message board located in the remote messaging facility server;

listening **1040**, by a listener agent in the remote messaging facility server, the event, the listener agent connecting to a channel, dedicated to the web client, and the slot, the listener agent receiving a notification **1080** when the action associated with the event is performed by the event producer on the slot; and

dispatching **1020** the notification from the remote messaging facility server to the web client via a web server and the remote messaging facility client, said notification being encoded by the web server using a web protocol to generate a response.

Independent Claim 24

The invention recited by claim 24 is directed to: A method for a remote messaging facility server, comprising: **(Flow Diagram, Fig. 10 [0088-0089])**

establishing **1020** a remote messaging session based on a begin session request sent from a web client via a remote messaging facility client and a web server;

subscribing **1030** an event based on a subscribe event request specifying a slot on a message board in the remote messaging facility server and an action, wherein the event is defined with respect to the action performed on the slot by an event producer;

listening **1040**, by an listener agent activated by an listen event request, the event, the listener agent connecting to a channel set up for the remote messaging session **1050**

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and to the slot and generating a notification of the event when the action associated with the event is performed on the slot by the event producer **1060-1080**; and

dispatching **1090** the notification of the event to the web client as a response via the web server and the remote messaging facility client, said notification being encoded by the web server using a web protocol to generate the response.

Independent Claim 39

The invention recited by claim 39 is directed to: A computer-readable medium encoded with a program for web-enabled 2-way remote messaging, said program comprising: **(Flow Diagram, Fig. 10 [0088-0089])**

establishing **1020** a remote messaging session between a web client and an event provider via a remote messaging facility client, connecting to the web client, and a remote messaging facility server, connecting to an event producer, the web client issuing requests and receiving responses during the remote messaging session;

subscribing **1030**, by the web client via the remote messaging facility client, an event that is related to an action performed by the event producer on a slot of a message board located in the remote messaging facility server;

listening **1040**, by a listener agent in the remote messaging facility server, the event, the listener agent connecting to a channel, dedicated to the web client, and the slot, the listener agent receiving a notification **1080** when the action associated with the event is performed by the event producer on the slot; and

dispatching **1020** the notification from the remote messaging facility server to the web client via a web server and the remote messaging facility client, said notification being encoded by the web server using a web protocol to generate a response.

**GROUND OF REJECTION TO BE
REVIEWED ON APPEAL**

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All appealed claims stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent 6,020, 884 to MacNaughton et al. (MacNaughton). This is the sole remaining ground of rejection.

ARGUMENT

REJECTION UNDER 35 U.S.C. 102(b) ***Claims 4-9, 12-21, 24-32, and 39-44***

Appellants appeal the rejection of all pending claims, which is based on the Examiner's position that the claimed apparatus is indistinguishable from the apparatus and method of MacNaughton.

This position reflects an incorrect interpretation of the teachings of MacNaughton as well as a misunderstanding and misapplication of patent law.

MacNaughton:

The reference to MacNaughton, over which all claims stand rejected is directed to a system integrating an online service community with a foreign service. The reference is assigned on its face to America Online (AOL), an online service provider, and appears to allow a particular provider, such as AOL, to interface its clients to the Internet World-Wide-Web. To that end, AOL provides a user interface which includes tool bars comprising control buttons corresponding to URLs (Internet addresses) that allows users to interact with other members in an online community. As stated in the abstract, the benefit for end-users is a transformation of the Web to a community.

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In the Appellant's response to the first Office Action, MacNaughton was attempted to be distinguished over by pointing out that in independent claim 4, and similarly, independent claims 6, 12, 24, and 39, embodiments of the invention include "a persistent listening connection that listens to an event subscribed by the web client with a remote messaging facility server". In other words, Appellant's persistent listening connection enables the client to be notified of events happening elsewhere on the web.

This is a two-way communication between the client and the server with the server also initiating communication (i.e., sending event information to the client). This is in contrast to the typical prior art situation, where there is also two-way communication between the client and the server, but with the client (i.e., person browsing) making a request or posting a URL and the server simply responds. According the claims of the present invention, the server may initiate communication with the client for a subscribed event without the client first initiating a contemporaneous request for the information.

In the final Office Action on page 13, the Examiner cites to column 7, lines 9-13 and 13-17, to show that MacNaughton discloses a "persistent connection" that is analogous to Appellant's "persistent listening connection". However, these passages merely appear to teach that MacNaughton's persistent connection involves the "community server" (i.e. AOL, an intermediary service or "front porch service" between the client and the actual Internet) to track the URLs visited by the client. Indeed, column 7, lines 9-13 state:

"Once a user is authenticated, a "persistent connection" is made between the Community Client module 14 and the Community Server 18. This persistent connection,

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unique to the present invention, is used to send and receive notifications to and from the Community Server 18. The Community Client 14 reports to the Community Server 18 changes in the Web page as identified by the URL 20. Preferably, changes are reported by the Community Client 14 to the Community Server 18 using HTTP messages 20. Other protocols such as FTP, IRC, etc. may be used as well. The Community Server 18 responds to the Community Client 14, via a HTTP message 20, with notifications (emphasis added).

Thus, in MacNaughton, the client reports changes in URLs to the server, and the server response with notifications. This appears fairly routine and does not suggest that the server is sending out notifications to the client without a first action of the client.

The Examiner further notes on page 14 of the final Office Action, that "MacNaughton discloses an example of this type of method in column 8, lines 7-10 wherein the server listens or the event to happen that the client is subscribed to and when the event occurs a notification is sent directly to the client. The example provided is a user (client) wishes to receive notifications about stock (client subscribes to a service) and when specified intervals occur (the even occurs), a notification message is sent (pushed) from the server to the client"

In response to the Examiner, column 8, lines 7-10 indeed appear to teach that "notifications" are sent from the server to the client. However, his arguments take this slightly out of context as he ignores the preceding lines of text. Column 8, lines 4-10 actually state:

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“Notifications may be viewed as temporary listings as they are determined at the time of access to the URL to reflect the current state of the community. Notifications may also be comprised of specific on-line content such as current stock quotes that the user has requested to receive at specified intervals (e.g., once a day.)” (emphasis added).

Thus, again, in MacNaughton, the server only appears to “push” something to the client (user) in response to request to access a URL, or, in the case of the stock quote “that the user has requested”. In other words, the server is not “watching” for events and sending them to the client. The server is merely responding to or “serving” the client at the client’s request.

Claims 4-5

Claims 4-5 are directed specifically to the client side of the invention. Independent claim 4 recites “a session agent for managing a remote messaging session established between a web client and an event producer and for maintaining a persistent listening connection that listens to an event ...an event manager for managing event subscription and dispatching of an event that is subscribed by the web client, received as a response from the remote messaging facility server, and parsed by the message parser” (emphasis added).

This is not shown by MacNaughton, thus, the 102 rejection is improper. Further, since it is not taught or suggest by MacNaughton, likewise a 103 rejection would be improper.

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The Board is respectfully requested to reverse the Examiner with regard to claims 4-5.

Claims 6-9

Claims 6-9 are directed specifically to the server side of the invention.

Independent claim 6 recites “a session manager for managing a remote messaging session established with a web client via a remote messaging facility client and for maintaining a persistent listening connection that listens to an event...a message board comprising a plurality of slots for storing data, said data being manipulated by at least one event producer, manipulations of the data in said message board triggering different events” (emphasis added).

This is not shown by MacNaughton, thus, the 102 rejection is improper. Further, since it is not taught or suggest by MacNaughton, likewise a 103 rejection would be improper.

The Board is respectfully requested to reverse the Examiner with regard to claims 6-9.

Claim 12-21 and 39-44

Independent claims 12 and 39 recite “...listening, by a listener agent in the remote messaging facility server, the event, the listener agent connecting to a channel, dedicated to the web client, and the slot, the listener agent receiving a notification when the action

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associated with the event is performed by the event producer on the slot; and dispatching the notification from the remote messaging facility server to the web client via a web server" (emphasis added)

This is not shown by MacNaughton, thus, the 102 rejection is improper. Further, since it is not taught or suggest by MacNaughton, likewise a 103 rejection would be improper.

The Board is respectfully requested to reverse the Examiner with regard to claims 12-21 and 39-44.

Claim 24-32

Independent claim 24 recites "listening, by an listener agent activated by an listen event request, the event, the listener agent connecting to a channel set up for the remote messaging session and to the slot and generating a notification of the event when the action associated with the event is performed on the slot by the event producer; and dispatching the notification of the event to the web client as a response via the web server and the remote messaging facility client, said notification being encoded by the web server using a web protocol to generate the response" (emphasis added).

This is not shown by MacNaughton, thus, the 102 rejection is improper. Further, since it is not taught or suggest by MacNaughton, likewise a 103 rejection would be improper.

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The Board is respectfully requested to reverse the Examiner with regard to claims 24-32.

Thus, the recited persistent listening connection is not taught or suggested by MacNaughton. MPEP § 2131 mandates that "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT IN THE CLAIM". Furthermore, the MPEP, citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1051, 1053 (Fed. Cir. 1987), states "[t]he identical invention must be shown in as complete detail as is contained in the... claim" (emphasis added).

Here, MacNaughton does not appear to teach the claimed persistent listening connection. Further, this feature is not remotely suggested by MacNaughton as would be required for a proper rejection under § 103 of the Code.

CONCLUSION

In summary, MacNaughton do not teach or suggest and certainly does not anticipate the features of the claimed invention. Therefore, the reference does not provide evidence that would support a conclusion of anticipation under 35 U.S.C. §102(b). Appellants thus respectfully submit that the rejections of claims 4-9, 12-21, 24-32, and 39-44 are in error and that reversal is warranted in this case.

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Please charge any shortages and credit any overcharges to Intel's Deposit

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Respectfully submitted,

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CLAIMS APPENDIX

A copy of the claims involved in the appeal is provided below.

1-3 (cancelled).

4 (original). A remote messaging facility client, comprising:

a session agent for managing a remote messaging session established between a web client and an event producer and for maintaining a persistent listening connection that listens to an event subscribed by the web client with a remote messaging facility server;

a messaging agent for communicating with the remote messaging facility server on behalf of the web client during the remote messaging session, sending a request from the web client to the remote messaging facility server and receiving a response from the remote messaging facility server;

a message parser for parsing a response received by the messaging agent from the remote messaging facility server; and

an event manager for managing event subscription and dispatching of an event that is subscribed by the web client, received as a response from the remote messaging facility server, and parsed by the message parser.

5 (original). The system according to claim 4, further comprising:

a remote messaging facility client application programming interface, through which the web client communicates with the remote messaging facility client to issue a request, to subscribe an event, and to receive a response from the remote messaging facility server from the event manager.

6 (original). A remote messaging facility server, comprising:

a session manager for managing a remote messaging session established with a web client via a remote messaging facility client and for maintaining a persistent listening connection that listens to an event subscribed by the web client, said web client issuing

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requests and receiving responses during the remote messaging session via the remote messaging facility client;

a channel manager for managing zero or more channels designed for subscriptions of events, said managing associating each subscription with a channel to store the occurrences of the subscribed event and dispatching each stored event to the remote messaging facility client that represents the web client that subscribes the stored event; and

a message board comprising a plurality of slots for storing data, said data being manipulated by at least one event producer, manipulations of the data in said message board triggering different events.

7 (original). The system according to claim 6, further comprising:

a message parser for parsing a request issued by a web client via a remote messaging facility client prior to generating a response for the request; and

a plurality of listener agents, each of which corresponding to a different slot in the message board and connecting to at least one channel that store subscribed event related to the slot, each listener agent listening to the subscribed event occurred in the slot and sending the subscribed event to a corresponding channel.

8 (original). The system according to claim 7, further comprising:

a producer registry for registering the at least one event producer; an access control profile for recording access control information used by said session manager in managing a remote messaging session for a web client; and

a base filter agent, connecting to the listener agents, for filtering a subscribed event prior to sending the subscribed event to a corresponding channel.

9 (original). The system according to claim 8, further comprising:

a remote messaging facility server application programming interface, through which the at least one event producer communicates with the remote messaging facility

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server to register, to manipulate the message board, and to communicate with the web client.

10-11 (cancelled).

12 (previously presented). A method for web-enabled 2-way remote messaging, comprising:

- establishing a remote messaging session between a web client and an event provider via a remote messaging facility client, connecting to the web client, and a remote messaging facility server, connecting to an event producer, the web client issuing requests and receiving responses during the remote messaging session;

- subscribing, by the web client via the remote messaging facility client, an event that is related to an action performed by the event producer on a slot of a message board located in the remote messaging facility server;

- listening, by a listener agent in the remote messaging facility server, the event, the listener agent connecting to a channel, dedicated to the web client, and the slot, the listener agent receiving a notification when the action associated with the event is performed by the event producer on the slot; and

- dispatching the notification from the remote messaging facility server to the web client via a web server and the remote messaging facility client, said notification being encoded by the web server using a web protocol to generate a response.

13 (previously presented). The method according to claim 12, wherein said requests includes at least one of:

- a begin session request to start a remote messaging session;
- an end session request to finish a remote messaging session;
- a check session request to examine the status of a remote messaging session;
- a subscribe event request to subscribe an event with the remote messaging facility server;
- an unsubscribe event request to end a subscription of an event with the remote messaging facility server;

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a query data request to inquiry a data item in the message board;
an listen event request to start a listening connection; and
a post message request to post a message from the web client to a message handler associated with a slot in the message board.

14 (original). The method according to claim 13, wherein said requests are encoded using a web protocol.

15 (original). The method according to claim 14, wherein said responses are encoded by said web server using a web protocol.

16 (original). The method according to claim 15, wherein
said web protocol used to encode the requests includes IIyperText Transport Protocol; and
said web protocol used by said web server to encode the responses includes HyperText Transport Protocol.

17 (original). The method according to claim 14, wherein said establishing comprises:
sending a begin session request, by the web client via the remote messaging facility client and the web server, to the remote messaging facility server to establish the remote messaging session;
authenticating the web client with respect to the event producer to generate a decision of either positive or negative; and
starting, by a session manager in the remote messaging facility server, the remote messaging session if the decision is positive.

18 (original). The method according to claim 17, wherein said subscribing comprises:
sending a subscribe event request to the session manager to subscribe the event, the subscribe event request specifying the slot and the action;

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setting up, by the session manager, a channel to store the occurrences of the event; and connecting the channel with the listener agent associated with the slot of the message board.

19 (previously presented). The method according to claim 17, wherein said listening comprises:

- sending an listen event request to the remote messaging facility server;
- setting up a listening connection, for the event subscribed in said subscribing, said listening connection associating with the channel dedicated to the web client;
- monitoring, by the listener agent connecting to both the channel and the slot, the action performed by the event producer on the slot that triggers the event;
- receiving the notification corresponding to the subscribed event when the action is performed by said event producer; and
- adding, by the listener agent, the notification to the channel.

20 (original). The method according to claim 19, further comprising filtering the notification prior to adding the notification to the channel.

21 (original). The method according to claim 19, wherein said dispatching comprises:

- forwarding, by a channel manager that manages the channel, the notification to the web server;
- encoding, by the web server, the notification using the web protocol to generate the response; and
- sending the response to the web client via the remote messaging facility client.

22-23 (cancelled).

24 (original). A method for a remote messaging facility server, comprising:

- establishing a remote messaging session based on a begin session request sent from a web client via a remote messaging facility client and a web server;

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subscribing an event based on a subscribe event request specifying a slot on a message board in the remote messaging facility server and an action, wherein the event is defined with respect to the action performed on the slot by an event producer;

listening, by an listener agent activated by an listen event request, the event, the listener agent connecting to a channel set up for the remote messaging session and to the slot and generating a notification of the event when the action associated with the event is performed on the slot by the event producer; and

dispatching the notification of the event to the web client as a response via the web server and the remote messaging facility client, said notification being encoded by the web server using a web protocol to generate the response.

25 (original). The method according to claim 24, wherein the establishing comprises:

receiving the begin session request from the web client, authenticating the web client; and

starting the remote messaging session if the authentication passes.

26 (original). The method according to claim 24, wherein the subscribing comprises:

receiving the subscribe event request from the web client;

setting up a channel associating with the remote messaging session; and

connecting the channel with a listener agent associated with the slot of the message board.

27 (previously presented). The method according to claim 24, wherein the listening comprises:

monitoring the slot on the message board to observe the event related to the action to be performed by the event producer on the slot;

receiving the notification when the event is observed; and

adding the notification to the channel set up for the remote messaging session.

28 (original). The method according to claim 27, further comprising:

filtering, by a filter agent, the notification prior to said adding.

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29 (original). The method according to claim 24, wherein said dispatching comprises:
forwarding, by the channel, the notification to the web server;
encoding, by the web server, the notification using the web protocol to generate the response; and
sending the response to the web client via the remote messaging facility client.

30 (original). The method according to claim 24, further comprising registering the event producer with the message board in the remote messaging facility server.

31 (original). The method according to claim 30, further comprising specifying a session agent that authenticates a web client for the event producer; and specifying a filtering agent that filters an observed event associated with the event producer.

32 (original). The method according to claim 30, further comprising updating, by an event producer, a slot of the message board.

33-38 (cancelled).

39 (original). A computer-readable medium encoded with a program for web-enabled 2-way remote messaging, said program comprising:

establishing a remote messaging session between a web client and an event provider via a remote messaging facility client, connecting to the web client, and a remote messaging facility server, connecting to the event producer, the web client issuing requests and receiving responses during the remote messaging session;

subscribing, by the web client via the remote messaging facility client, an event that is related to an action performed by the event producer on a slot of a message board located in the remote messaging facility server;

listening, by a listener agent in the remote messaging facility server, the event, the listener agent connecting to a channel, dedicated to the web client, and the slot, the

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listener agent receiving a notification when the action associated with the event is performed by the event producer on the slot; and

dispatching the notification from the remote messaging facility server to the web client via a web server and the remote messaging facility client, said notification being encoded by the web server using a web protocol to generate a response.

40 (original). The medium according to claim 39, wherein said establishing comprises:

sending a begin session request, by the web client via the remote messaging facility client and the web server, to the remote messaging facility server to establish the remote messaging session;

authenticating the web client with respect to the event producer to generate a decision of either positive or negative; and

starting, by a session manager in the remote messaging facility server, the remote messaging session if the decision is positive.

41 (original). The medium according to claim 39, wherein said subscribing comprises:

sending a subscribe event request to the session manager to subscribe the event, the subscribe event request specifying the slot and the action;

setting up, by the session manager, a channel to store the occurrences of the event; and

connecting the channel with the listener agent associated with the slot of the message board.

42 (previously presented). The medium according to claim 39, wherein said listening comprises:

sending an listen event request to the remote messaging facility server;

setting up a listening connection, for the event subscribed in said subscribing, said listening connection associating with the channel dedicated to the web client;

monitoring, by the listener agent connecting to both the channel and the slot, the action performed by the event producer on the slot that triggers the event; receiving the

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notification corresponding to the subscribed event when the action is performed by said event producer; and

adding, by the listener agent, the notification to the channel.

43 (original). The medium according to claim 42, further comprising filtering the notification prior to adding the notification to the channel.

44 (original). The medium according to claim 42, wherein said dispatching comprises:

forwarding, by a channel manager that manages the channel, the notification to the web server; encoding, by the web server, the notification using the web protocol to generate the response; and

sending the response to the web client via the remote messaging facility client.

45-60 (cancelled).

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EVIDENCE APPENDIX

This section lists evidence submitted pursuant to 35 U.S.C. §§1.130, 1.131, or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this appeal, and provides for each piece of evidence a brief statement setting forth where in the record that evidence was entered by the Examiner. Copies of each piece of evidence are provided as required by 35 U.S.C. §41.37(c)(ix).


NO.	EVIDENCE	BRIEF STATEMENT SETTING FORTH WHERE IN THE RECORD THE EVIDENCE WAS ENTERED BY THE EXAMINER
1	N/A	N/A

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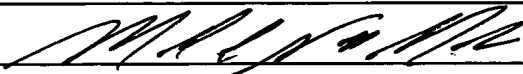
RELATED PROCEEDINGS APPENDIX

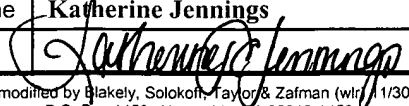
Pursuant to 35 U.S.C. §41.37(c)(x), copies of the following decisions rendered by a court of the Board in any proceeding identified above under 35 U.S.C. §41.37(c)(1)(ii) are enclosed herewith.

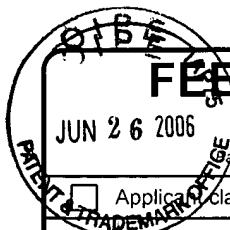
NO.	TYPE OF PROCEEDING	REFERENCE NO.	DATE
1	N/A	N/A	N/A

TRANSMITTAL FORM (to be used for all correspondence after initial filing) 	Application No.	09/884,122
	Filing Date	June 20, 2001
	First Named Inventor	David Zhuang
	Art Unit	2142
	Examiner Name	Benjamin A. Ailes
Total Number of Pages in This Submission	Attorney Docket Number	42390P11278

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> -Check for \$950.00 -Return postcard </div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark C. Van Ness, Reg. No. 39,865 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	June 21, 2006

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Katherine Jennings		
Signature		Date	June 21, 2006



FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 950.00

Complete if Known

Application Number 09/884,122
Filing Date June 20, 2001
First Named Inventor David Zhuang
Examiner Name Benjamin A. Ailes
Art Unit 2142
Attorney Docket No. 42390P11278

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) ☒ Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	450.00
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451		2451		Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
SUBTOTAL (2) (\$)					950.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Mark C. Van Ness Registration No. (Attorney/Agent) 39,865 Telephone (503) 439-8778
Signature Date 06/21/06

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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450.00 BP